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REMARKS

The title of the application has been amended as suggested by the Examiner.

Independent claims 1, 8, 9 and 15 have been amended to define Applicants' contribution to the art with greater specificity. Some of the remaining claims have been amended for clarity. Some of the dependent apparatus claims have been amended to assure infringement thereof when the goods are sold, prior to being put into use, and other claims have been amended to assure open-ended coverage.

Independent claims 1, 8, 9, and 15 now more clearly distinguish over Polcyn (U.S. 6,614,885), relied on by the Examiner to reject them under 35 U.S.C. §102(e). Claims 1, 8, and 9 require an interactive voice response unit that interactively deals with a call from a human caller by using predetermined responses and by requiring an operator subsystem by which a human operator can verbally interact with the caller by giving appropriate responses regardless of the predetermined responses available to the voice response unit. In addition, each of claims 1, 8 and 9 requires masking the verbal interaction between the operator and the caller through a synthesized voice whereby to mask from the caller that the caller is talking to a human operator. Claim 15, as amended, now distinguishes over Polcyn by requiring the verbal interaction

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between a caller and a human operator to be unrestricted by the range of responses available for output by the voice response unit. In addition, the verbal interaction is required to be through a synthesized voice to mask from the caller that the caller is talking to a human operator.

The foregoing limitations are not disclosed by Polcyn. The Examiner appears to have a misunderstanding of what the live operator can do in the Polcyn system.

According to Polcyn, the live operator can do any of the following upon listening to the recorded query:

(a) have the query replayed, slowed down or speeded up (column 6, line 67, through column 7, line 1);

(b) re-enunciate the caller's query to the voice recognition system 30 (column 7, lines 6-11) to help the system recognize the query and respond appropriately;

(c) change the recognition vocabulary of the voice recognition system (column 7, lines 12-19);

(d) change the level of certainty in the voice recognition system required to recognize a match (column 7, lines 20-25);

(e) instruct the voice recognition system, and thus the call director, how to route the call (column 5, lines 37 and 38, and column 6, lines 20-24);

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(f) instruct the call director to carry out particular functions such as prompting the user for additional information or invoking other applications (column 6, lines 24-29);

(g) have the call director route the call to the operator's position so that the operator can directly interact with the caller (column 5, line 41 -43); and

(h) record a response to the caller, this response then being passed over the data connection to the call director and thus back to the caller (column 6, lines 14-17).

Only items (g) and (h) include verbal interaction between the live operator and the caller that is at all related to the subject matter of independent claims 1, 8, 9 and 15, as now amended. Item (g) simply involves playing a recording of an operator's recorded response to the caller. There is no suggestion that the playing of this recording is in any way masked. Similarly, item (h) is a direct telephone interaction between the caller and the live operator. Again, there is no suggestion that this interaction with the operator's voice is in any way masked. Therefore, the Examiner is incorrect in asserting that the Polcyn reference is anticipatory of the claims previously submitted. Further, the Polcyn reference cannot be construed as anticipating independent claims 1, 8, 9 and/or 15, as now presented.

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Applicants cannot agree with the statement on the top of page 4 of the Office Action that Polcyn implicitly discloses the use of a text-to-speech converter. While such converters are known, Polcyn does not disclose such a converter.

Polcyn provides three levels of automation in handling calls. As explained at col.5, lines 22 to 28 with reference to Figures 2 and 3, these levels are:

- **A first level** in which a "call director" at a remote site 12 uses interactive menus to enable callers to self-direct their calls (as explained at col. 1, line 12-16, a call director is an interactive voice response unit which allows a caller to self-direct their call to a particular extension or department without the intervention of an operator).
- **A second level** provided by a central large vocabulary voice recognition system 30 to which a recording of a caller's query is passed, via data connection 202, if the first level fails to route the caller; the system 30 attempts to understand the user's query and thereupon cause the call director to route the call appropriately.
- **A third level** where the recorded caller request is passed to a live operator because the system was unable to deal with the

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query; the live operator can respond in a number of ways as will be discussed below.

In analyzing claim 2, the Examiner states, at the bottom of page 3 of the Office Action, that column 6, lines 31 and 32 of Polcyn discloses a masking arrangement, with the implication that the masking is the same as set forth in Applicants' claims. In fact, this portion of Polcyn merely states that an operator can input data through an agent terminal or an agent telephone and this data would be then analyzed by a phone recognition system. It is not understood how such a statement can be considered as the same as masking as set forth in Applicants' claims. If the Examiner persists in this position, she is requested to explain her position in considerably greater detail than set forth in the Office Action.

The last full paragraph on page 6 and other portions of the Office Action imply that column 6, lines 25-30, discloses the masking defined by Applicants' independent claims. The sentence in Polcyn which begins in column 6, line 24 through line 30, merely states:

The agent can also have the option of sending commands via data interface 34 and data connection 202-N to remote call director 102-N to control various remote director 102-N functions, such as prompting the user

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for additional information or invoking other applications in the remote location IVR.

It is not apparent to Applicants how this portion of Polcyn is related to the masking set forth in Applicants' claims. The Examiner is requested to explain how the foregoing is related to the masking feature set forth in Applicants' claims.

Claims 6 and 14 have been rejected as being obvious under 35 USC §103(a) as a result of Polcyn and Galvin (U.S. Patent 5,874,939). The Galvin reference obviously does not cure the foregoing deficiencies of Polcyn. Consequently, no further consideration of the Galvin reference is necessary.

To provide Applicants with the protection to which they are deemed entitled, claims 20-25 are added. Claim 20 depends on claim 1 and requires the operator subsystem to be arranged to enable the operator to also verbally interact with the caller by calling the voice response unit to output an operator-selected one of the predetermined responses. Claim 21 depends on method claim 9 and requires (a) of claim 9 to include the operator interacting with the caller by causing the voice response unit to output an operator-selected one of the predetermined responses. These predetermined responses are masked so that the caller remains under the impression that the synthesized operation is continuing.

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New independent claim 22 is directed to a telephony method comprising a called station responding to a caller by transmitting a first predetermined synthesized speech message to the caller. The caller responds to the first predetermined synthesized speech message in a manner causing a human operator associated with the called station to respond with speech utterances. Synthesized speech utterances are transmitted to the caller so the synthesized speech utterances appear to the caller to be from the same source as the first predetermined synthesized speech message.

Claim 23 adds steps to claim 22, namely the caller responding to the synthesized speech utterances by transmitting a further message to the called station. The called station responds to the further message by transmitting a second predetermined synthesized message to the caller so the second predetermined synthesized message appears to the caller to be from the same source as the first predetermined synthesized message and the synthesized speech utterances.

Claim 24 indicates that the synthesized speech utterances are from an actual voice utterance of the operator, while claim 25 requires the synthesized speech utterances to be from a recorded audio source. The features of claims 21-25 are not found in the cited art.


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In view of the foregoing amendments and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.

To the extent necessary during prosecution, Applicant hereby requests any required extension of time not otherwise requested and hereby authorizes the Commissioner to charge any required fees not otherwise paid, including application processing, extension, and extra claims fees, to Deposit Account No. 08-2025.

Respectfully submitted,
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